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### **REMARKS**

In response to the Final Office Action mailed December 26, 2006 (hereinafter "Final Action"), claims 1-2 and 4-22 have been amended merely to present the claims in a better form and have not been amended to narrow the scope of what is claimed. Claims 23-34 have been newly added. Therefore, claims 1-34 are pending. Support for the instant amendments is provided throughout the as-filed specification. Thus, no new matter has been added. In view of the foregoing amendments and following comments, allowance of all the claims pending in the application is respectfully requested.

### **ALLOWABLE SUBJECT MATTER**

Applicant thanks the Examiner for the indication of allowable subject matter. The Examiner has indicated that claims 4-6 and 14-15 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **REJECTIONS UNDER 35 U.S.C. §103**

Claims 1-3, 7-13 and 16-22 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,856,972 to Riley *et al.* ("Riley") in view of U.S. Patent No. 6,101,545 to Balcerowski *et al.* ("Balcerowski"). Applicant respectfully traverse this rejection for *at least* the reason that a *prima facie* case of obviousness has not been established.

Applicant maintains and incorporates by reference the arguments of the previous response and adds the following remarks.

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The Final Action concedes that Riley does not disclose the feature of expressly indicating a possible duplication of said unit when resending it, the possible duplication showing that said unit was resent because no response was received. The Final Action attempts to cure the admitted deficiencies of Riley by modifying Riley with the teachings of Balcerowski.

Balcerowski merely teaches that each message contains a sequence number, including those messages that are never resent. Thus, Balcerowski fails to disclose “resending the unit with an indication of a possible duplication, the possible duplication indicating that the unit was resent because no response was received” as recited in claim 1; “indicating a possible duplication of the unit when resending the unit, the possible duplication indicating a reason for the resending, receiving the unit in the first receiving entity, and comparing sequence numbers of received units in order to find out whether the unit is a duplicate only in response to the indicated reason being that the unit was resent because no response was received” as recited in claim 9; “resending the unit to a second receiving entity, indicating that the unit was resent because no response was received when resending the unit to the second receiving entity by marking the resent unit as a possible duplication” as recited in claim 10; “a sending entity being configured, in the event that no response is received from the at least one receiving entity, to resend the unit with an indication of a possible duplication of the unit, the possible duplication indicating that the unit was resent because no response was received” as recited in claim 11; “a processor configured, in response to the network node not receiving a response from a first entity to which the network node has send a unit, to resend the unit with an indication of possible duplication indicating that the unit was resent because no response was received” as recited in claim 17; “a processor configured to check whether a unit is a

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duplicate only in response to receiving a unit having an indication of a possible duplication of the unit, the possible duplication indicating that the unit was resent because no response was received” as recited in claim 21; and “a processor configured to check in response to receiving a unit whether the unit has an indication of a possible duplication, the possible duplication indicating that the unit was resent because no response was received” as recited in claim 22.

Comparing, the receiving end sequence numbers of all received packets as taught by Balcerowski determines for each received message whether it is a duplicate or not, i.e., even for messages that are sent only once and cannot be a duplicate or a possible duplicate. Thus, the comparing disclosed in Balcerowski fails to disclose “a possible duplication” since determining whether a received message has been received earlier or not, has an unambiguous answer: either “no, the message has not been received earlier” or “yes, the message has been received earlier.” Further, as stated above, Balcerowski teaches that the receiving end receives messages, wherein each message containing a sequence number. Thus, no indication of a possible duplication is received in Balcerowski. In addition, in Balcerowski, the sending and resending do not differ from each other, whereas in the present claims the resending contains the additional feature “indicating a possible duplication.” Thus, Balcerowski as a whole fails to teach or suggest “indicating a possible duplication when resending.”

Further, Balcerowski, the receiving node has no means to decide definitively if a received packet is a possible duplication of a previously sent packet and if a duplicate message is found, there is no means to identify the reason for the duplicate. In addition, in Balcerowski, sequence numbers of all messages are compared whereas the indication of possible duplication enables that messages/packets without the indication of possible

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duplication can be determined to be “non-duplicates” and the sequence number comparison of them is avoided, i.e., is not performed in vain.

Thus, Applicant respectfully request that the rejection of claims 1-3, 7-13 and 16-22 under 35 U.S.C. §103(a) be withdrawn and the claims be allowed.

### **New Claims**

New claim 23 is directed to a method and recites, *inter alia*, resending the unit, wherein the resending of the unit differs from the sending of the unit in that a sending entity specifically indicates a possible duplication of the unit when resending the unit, the possible duplication indicating that the unit was resent because no response was received. The cited portions of Riley and Balcerowski, either alone or in combination, fail to disclose, teach or render obvious *at least* this feature. Claims 24-25 are allowable *at least* by virtue of their dependency from an allowable base claim, and for the additional features they recite.

New claim 26 is directed to a network node and recites, *inter alia*, a resending means, responsive to the network node not receiving from the first entity a response to the sent unit, for resending said unit and indicating a possible duplication, the possible duplication indicating that the unit was resent because no response was received and wherein the resending means differ from the sending means in that the resending means are configured to specifically indicate a possible duplication of the unit when the unit is resent. The cited portions of Riley and Balcerowski, either alone or in combination, fail to disclose, teach or render obvious *at least* this feature. Claims 27-28 are allowable *at least* by virtue of their dependency from an allowable base claim, and for the additional features they recite.

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New claim 29 is directed to a network node and recites, *inter alia*, a means for checking whether a unit is a duplicate only in response to the network node receiving a unit having a specific indication of a possible duplication of the unit, the possible duplication that the unit was resent because no response was received. The cited portions of Riley and Balcerowski, either alone or in combination, fail to disclose, teach or render obvious *at least* this feature.

New claim 30 is directed to a network node and recites, *inter alia*, a means, responsive to the network node receiving a unit, for checking whether or not the unit has been specifically indicated as being a possible duplication, the possible duplication indicating that the unit was resent because no response was received and a means, responsive to the unit being specifically indicated as a possible duplication, for waiting for instructions on how to handle the unit. The cited portions of Riley and Balcerowski, either alone or in combination, fail to disclose, teach or render obvious *at least* this feature.

New claim 31 is directed to a processor and recites, *inter alia*, the processor is configured to resend a unit with an indication of a possible duplication in response to the processor not receiving a response to a previous sending of the unit, the possible duplication indicating that the unit was resent because no response was received. The cited portions of Riley and Balcerowski, either alone or in combination, fail to disclose, teach or render obvious *at least* this feature.

New claim 32 is directed to a processor and recites, *inter alia*, the processor is configured to detect a unit having an indication of a possible duplication, to check, in response to detecting the indication, whether the unit is a duplication, and not to perform the

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check if the indication is not detected. The cited portions of Riley and Balcerowski, either alone or in combination, fail to disclose, teach or render obvious *at least* this feature.

New claim 33 is directed to a processor and recites, *inter alia*, configured to detect a unit having an indication of a possible duplication, and in response to detecting the indication to wait for instructions on how to handle said unit. The cited portions of Riley and Balcerowski, either alone or in combination, fail to disclose, teach or render obvious *at least* this feature.

New claim 34 is directed to a computer readable medium having computer-executable component and recites, *inter alia*, in the event that no response is received from the first receiving entity, resending the unit with an indication of a possible duplication, the possible duplication indicating that the unit was resent because no response was received. The cited portions of Riley and Balcerowski, either alone or in combination, fail to disclose, teach or render obvious *at least* this feature.

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**CONCLUSION**

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Date: June 26, 2007

Respectfully submitted,

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